

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

LAWRENCE LITTLE :
Plaintiff :
v : Civil Action No. WDQ-06-1156
BALTIMORE CITY CIRCUIT COURT :
and CAROL E. SMITH, Judge :
Defendants :
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MEMORANDUM

The above-captioned Complaint was filed on May 5, 2006, together with a Motion to Proceed in Forma Pauperis. For the reasons that follow the Complaint must be dismissed and the Motion will be denied.

Under the provisions of 28 U.S.C. §1915(e) “the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . is frivolous or malicious; . . . [or] fails to state a claim on which relief may be granted.” Plaintiff seeks a civil judgment against Judge Smith for allegedly violating his constitutional right to counsel in the context of a violation of probation hearing. The Complaint states no readily discernible cause of action and seeks judgment against a judge for actions taken in her capacity as a judge. Even if the allegations could be clarified through amendment, the claim is clearly barred by the doctrine of judicial immunity and must be dismissed. *See Forrester v. White*, 484 U.S. 219, 226– 27 (1988) (“If judges were personally liable for erroneous decisions, the resulting avalanche of suits, most of them frivolous but vexatious, would provide powerful incentives for judges to avoid rendering decisions likely to provoke such suits.”).

Notwithstanding the frivolity of the claim asserted, Plaintiff has on at least three prior

occasions brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted.¹ He is, therefore, not permitted to file an action *in forma pauperis* unless he can establish he is under imminent danger of serious physical injury. 28 U.S.C. §1915(g). He cannot do so in this case: accordingly the Motion to Proceed In Forma Pauperis will be denied and the Complaint will be dismissed. A separate Order follows.

May 24, 2006
Date

/s/
William D. Quarles, Jr.
United States District Judge

¹ See *Little v. Kupec*, Civil Action No. WDQ-04-3813 (D. Md. 2004); *Little v. Green*, Civil Action No. WDQ-05-956 (D. Md. 2005); and *Little v. Sacks*, Civil Action No. WDQ-05-957 (D. Md. 2005).